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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,137	07/12/2000	TAKAYUKI YOSHIGAHARA	TNAB-Q9081	3847

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 02/09/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,137

Applicant(s)

YOSHIGAHARA ET AL.

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 1-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 49-96 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 49-63, 64-78 and 79-96 are elected by applicant for examining. Claims 1-48 are being withdrawn as being directed to a non-elected invention.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- a) As to claim 51, page 56, line 3, the phrase "model data" is not clear and lacks antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. **Claims 49, 52-53, 55-64, 67-68, 70-79, 82-83 and 85-93** are rejected under 35 U.S.C. 102(e) as being anticipated by Bessette, US Patent 6,263,330.

a) **As to claims 49, 64 and 79**, Bessette discloses a system and method for electronic management of data files wherein a three-dimensional view of the human body in the database storage may be read out by authorized users, the invention comprises:

- a large number of medical records for individuals in a network distributed shared medical record (NDSMR) server which reads on the information recording device wherein each record including one unique identifier which reads on the protection information and at least one data field which reads on measured data (col. 3, lines 36-59). Those medical data are read out from the server via the LAN interface (Figure 1) which reads on the interface means.
- users log on with users' ID and password (col. 10, lines 57-64; Figure 8, element 800) which reads on input means for inputting authentication information for authenticating the reading out of the measured data from the information recording device.
- users are validated using the log on input and identifier information from NDRSMR server (Figure 8, element 804; col. 10, lines 60-67) which reads on authenticating means for reading out the protection information from the information recording device through the interface

means and for performing authentication processing using the authentication information input.

- the reading out of medical records is controlled by the user profile and in accordance with the validation result (col. 11, lines 19-24) which reads on the control means.
- the medical records are transmitted over the predetermined output port to users (Figure 8, element 820) which reads on the processing means.

b) **As to claims 52, 67 and 82**, Bessette discloses the input means inputs information for specifying a person having the body of the three-dimensional information as authentication information (Figure 4, elements 404 and 408; col. 7, lines 29-36).

c) **As to claims 53, 68 and 83**, Bessette discloses the input means inputs information showing the body characteristics of the person having the body of the three-dimensional information as authentication information (col. 7, lines 49-51).

d) **As to claims 55, 70 and 85**, Bessette discloses the input means inputs finger print information of the person having the body of the three-dimensional information as authentication information (col. 7, lines 44-45).

e) **As to claims 56, 71 and 86**, Bessette discloses the input means inputs retinal or genetic derived signature or any other type of biological signature information of the person having the body of the three-dimensional information as authentication information (col. 7, lines 49-51). It inherently understands voice information is biological signature information.

f) **As to claims 57, 72 and 87**, Bessette discloses the input means inputs a password set by the person having the body of the three-dimensional information as authentication information (col. 10, lines 62-64).

g) **As to claims 58, 73 and 88**, Bessette discloses the interface means is so constructed that the information recording device can be attached/detached (Figure 1; col. 7, lines 36-40).

h) **As to claims 59, 74 and 89**, Bessette discloses the measured data includes three-dimensional shape information and texture information on the body (col. 11, lines 64-67).

i) **As to claims 60, 75 and 90**, Bessette discloses the interface means receives the measured data and the protection information from the information recording device through an communication circuit (Figure 1).

j) **As to claims 61-62, 76-77 and 91-92**, Bessette discloses the recording device hierarchically stores the measured data every part of the body and processing means selects and utilizes any hierarchy of measured data (Figure 6A, 6B and 6C).

k) **As to claims 63, 78 and 93**, Bessette discloses the control means to delete the measured data when the authenticating means detects the dishonest authentication result (col. 10, lines 64-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 50, 51, 54, 65, 66, 69, 80, 81 and 84** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessette, US Patent 6,263,330 in view of Chen et al., US Patent 5,969,721.

a) **As to claims 50, 65 and 80**, Bessette fails to disclose the storage means for recording standard three-dimensional model data wherein the measured data includes feature parameters produced by being compared with a standard three-

dimensional model and the processing means performs processing by applying the feature parameters to the standard three-dimensional model data.

Chen discloses an invention modifies a generic animation wire-frame model, which reads on a standard three-dimensional model, with measured three-dimensional range data to produce a customized animated wire-frame which reads on measured data with feature parameters (Figure 1; col. 3, lines 39-67 to col. 4, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of recording standard three-dimensional model data, producing measured data with feature parameters and processing the produced data, as Chen teaches, in the system of Bessette so as to produce more realistic and natural displays for human interactions.

b) **As to claims 51, 66 and 81**, as best understood, Bessette fails to disclose measured data is stored different from the standard three-dimensional model.

Chen discloses generic animation wire-frame data, which reads on standard three-dimensional model is stored different from the measured data (Figure 1; col. 3, lines 62-65; col. 4, lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing the measured data different from the standard three-dimensional model, as Chen teaches, in the system of Bessette so as to easily retrieve data.

c) **As to claims 54, 69 and 84**, Bessette discloses the authentication process however he fails to indicate the input authentication information as texture data of the three-dimensional information.

Chen discloses the texture mapping, shading and information in the animation wire-frame (col. 8, lines 29-64; Figure 9A, 9B, 10 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of input authentication information as texture data of the three-dimensional information, as Chen teaches, in the system of Bessette so as to better secure the system.

d) **As to claims 94, 95 and 96**, Bessette discloses an information recording device comprising a network distributed shared medical record (NDSMR) server which reads on first storage means for storing medical data records for individuals, for example three-dimensional view of human body (col. 11, lines 64-67), wherein each record including one unique identifier which reads on the protection information and at least one data field which reads on measured data (col. 3, lines 36-59) and LAN interface which reads on the first interface means for reading out data and transmitting them to clients (Figure 1).

Bessett also discloses an information processing device as addressed in the above claim 49. However, he fails to disclose a measuring device for measuring three-dimensional information on the body, although he discloses the process for inputting

protection information for protecting measured data from being read out (Figure 4 and 8).

Chen discloses a 3D scanner system produces 3D range and color data of an object (Figure 1; col. 3, lines 43-45).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of measuring three-dimensional information on the body, as Chen teaches, in the system of Bessette so as to provide a complete solution for computer entertainment devices with enhanced security.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

a) Method and Device for Knowledge Based Representation and Display of Three Dimensional Objects, Hohne, US Patent 5,623,586.

b) Three-Dimensional Information Handling System, Yoshimura et al., US Patent 5,293,529.

c) Information Storage Medium and Electronic Device Using the Same for Authentication Purposes, Kitahara, US Patent 6,034,930.

d) Systems and Methods for Providing Security in a Video Game System, Takeda et al., US Patent 6,071,191.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789.

The fax phone numbers for the organization where this application or proceeding is assigned are:

703-746-7238	for After-Final communications
703-872-9306	for Official communications
703-746-5661	for Non-Official/Draft communications

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
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